

RECEIVED
CENTRAL FAX CENTER

002

AUG 17 2006

PTO/SB/64 (07-08)

Approved for use through 09/30/2006. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
83,960First named inventor: *R. JASON JOUET*

Application No.: 10/637,090

Art Unit: 1755

Filed: AUGUST 6, 2003

Examiner: *SAVAGE, JASON L.*Title: *PASSIVATION LAYER ON
ALUMINUM SURFACE AND
METHOD THEREOF*Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m)) *(Please Charge
Deposit Acct# 50-1114)*

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of RCE + PRELIMINARY AMENDMENT (identify type of reply):

has been filed previously on 11 JULY 2006
 is enclosed herewith. *(Courtesy copy)*

B. The issue fee and publication fee (if applicable) of \$ _____.

has been paid previously on _____.
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

08/18/2006 JBALINAN 00000049 501114 10537090

01 FC:1453 1500.00 DA

3. Terminal disclaimer with disclaimer fee

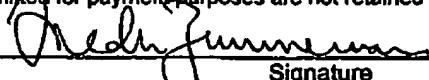
Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

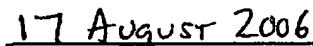
4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



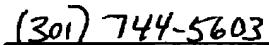
Signature



Date



Registration Number, if applicable



Telephone Number

Enclosures: Fee Payment

Reply (PREVIOUSLY FILED COPY OF RCE + PRELIMINARY AMDT.)

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

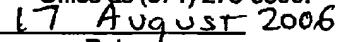
Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.



Date



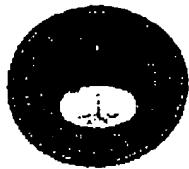
Signature



Typed or printed name of person signing certificate

AUG 17 2006

001



FAX

OFFICE OF THE GENERAL COUNSEL
CODE OC
IHDIV/NSWC
101 STRAUSS AVENUE
INDIAN HEAD, MD 20640-5035

Date 8/17/2006 15:34:54Number of pages including cover sheet 12**To:**

Patent and Trademark
 Office

 Commissioner of
 Patents

 Mail Stop: PETITION

Phone _____

Fax Phone 1- (571) 273-8300

CC: _____

From:

Fred Zimmerman

 IHDIV OFFICE OF
 COUNSEL

 Customer No. 24338

 Navy Case83,960

Phone 301-744-5603
 Fax Phone 301-744-4423

REMARKS:

Urgent For your review Reply ASAP Please comment

Enclosed is a Petition To Revive for Unintentional Abandonment under 37 CFR 1.1.37(b) for Application No. 10/637,090, authorization to charge Deposit Account No. 50-1114 for \$1,500, a copy of RCE and Preliminary Amendment previously filed on 11 July 2006 along with related fax sheet and return/confirmation fax sheet. Please confirm filing by facsimile. Thanks.

Fred Zimmerman Reg. No. 48,747

NAVSEA-Indian Head Division

Associate Counsel-IP 301-744-5603

This communication (along with any attachment) may be privileged as attorney work product and/or attorney-client communication or may be protected by another privilege recognized under the law. Do not distribute, forward, or release without the prior approval of the sender. In addition, this communication may contain individually identifiable information the disclosure of which, to any person or agency not entitled to receive it, is or may be prohibited by the Privacy Act, 5 U.S.C. §552a. Improper disclosure of protected information could result in civil action or criminal prosecution. It is intended for access and use only by the addressee named above. If you have received this transmission in error, please call (301) 744-5603, immediately.